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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY CURTIS, *pro se*,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

Civil Action No. 07-cv-8588 (CLB) (LMS)

**DEFENDANT ALLSTATE  
INSURANCE COMPANY'S ANSWER  
TO PLAINTIFF'S COMPLAINT**

*Document Filed Electronically*

Defendant Allstate Insurance Company (hereinafter referred to as "Allstate" or "Defendant"), by way of an Answer to plaintiff's Complaint states:

1. Allstate denies the allegations contained in Plaintiff's Complaint, and specifically all allegations of racial discrimination in employment pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17.

**I. PARTIES IN THIS COMPLAINT**

2. Allstate lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Section I, Part A of the Complaint.

3. Allstate admits only that it has an office at the location identified in Section I, Parts B and C of the Complaint, and it denies any remaining allegation.

## **II. STATEMENT OF CLAIM**

4. Allstate denies the allegations contained in the Statement of Claim, Section II, Parts A through E.

## **III. EXHAUSTION OF FEDERAL ADMINISTRATIVE REMEDIES**

5. Allstate lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Section III, Parts A and B of the Complaint, but refers to the Dismissal of Notice of Rights attached to the Complaint.

6. Allstate makes no response to Section III, Part C of the Complaint as it is not applicable.

## **IV. RELIEF**

7. Allstate denies that plaintiff is entitled to the relief as alleged in Section IV of the Complaint.

WHEREFORE, defendant Allstate demands judgment in its favor dismissing plaintiff's Complaint.

\* \* \*

## **SEPARATE DEFENSES**

### **FIRST SEPARATE DEFENSE**

The Complaint fails to state a claim upon which relief may be granted.

### **SECOND SEPARATE DEFENSE**

Allstate did not engage in discriminatory conduct, nor did it violate Title VII of the Civil Rights Act of 1964 or any other applicable discrimination laws or regulations.

**THIRD SEPARATE DEFENSE**

At all times relevant hereto, Allstate's actions and/or omissions were justifiable, in good faith, without malice and for legitimate, non-retaliatory and non-discriminatory business reasons.

**FOURTH SEPARATE DEFENSE**

At all times relevant hereto, Allstate's actions and/or omissions were authorized by and complied with applicable laws, regulations, and standards.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred in whole or in part by the applicable statute of limitations.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint is barred by the doctrines of estoppel, laches, waiver, and unclean hands.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's damages, if any, were caused by his own actions/omissions or the actions/omissions of other third parties over whom Allstate exercised no control.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff is not entitled to injunctive relief or any award of compensatory or punitive damages or attorney's fees.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to adequately mitigate his damages, if any.

**TENTH AFFIRMATIVE DEFENSE**

Allstate met all of its obligations to the plaintiff pursuant to law.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's conduct proximately contributed to any damages or injuries he may have sustained as alleged in the Complaint.

**TWELFTH AFFIRMATIVE DEFENSE**

Allstate reserves the right to assert additional defenses as may be ascertained through discovery.

WHEREFORE, Allstate Insurance Company demands judgment in its favor dismissing plaintiff's Complaint.

**JURY DEMAND**

Allstate hereby demands a trial by jury on all issues contained herein.

By: s/ George Tenreiro  
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Dated: January 3, 2008